UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

JONATHAN S. PHILLIPS,

vs.

Petitioner,

NO. CV-12-097-JPH

STATE OF WASHINGTON,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING PETITION WITHOUT PREJUDICE

Magistrate Judge Hutton filed a Report and Recommendation on April 9, 2012, recommending Mr. Phillips' habeas corpus petition be dismissed without prejudice based on the abstention doctrine of Younger v. Harris, 401 U.S. 37, 53-54 (1971). ECF No. 11. Mr. Phillips has failed to keep the Court apprised of his current address. Mail sent to him at the Chelan County Regional Jail was returned as undeliverable on April 17, 2012. The Court has been unable to locate a current address for Mr. Phillips.

IT IS HEREBY ORDERED: There being no objections, the Court ADOPTS the Report and Recommendation, ECF No. 11, in its entirety. The Petition is DISMISSED without prejudice in favor of Mr. Phillips pursuing available remedies in the state courts.

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IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward a copy to Petitioner at his last known address, and close the file. The Court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

DATED this $\underline{7^{\text{th}}}$ day of May 2012.

S/ Edward F. Shea EDWARD F. SHEA United States District Judge

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